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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,585	02/26/2002	Koji Kato	02129/LH	6014
1933	7590	05/11/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			YE, LIN	
220 Fifth Avenue			ART UNIT	PAPER NUMBER
16TH Floor			2622	
NEW YORK, NY 10001-7708				

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,585	KATO ET AL.	
	Examiner	Art Unit	
	Lin Ye	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 6-76 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 3/2/06 have been fully considered but they are not persuasive as to claims 1-5.

As for claims 1-5, the Applicant argues that Saito et al. (J.P. Patent Publication 03184028 A) does not disclose, teach or suggest providing a shutter between lenses of the relay lens, as according to the present invention as recited in independent claim 3, and Saito et al. does not indicate whether the shutter mechanism is near the relay lens or the loupe lens (See applicant's REMARKS, page 4, lines 16-21).

The examiner disagrees. The examiner understands the applicant's elected Species, Figure 5 discloses the plurality of lenses of the relay lens (18) provided between the beam splitter (14) and **reflecting mirror**, and positioned **in a direction perpendicular to eyepiece lens (3)**; a eyepiece shutter provided between the plurality of lenses of the relay lens. However, the claims 1 and 3 do not required these features, and the limitation "a vicinity of the relay lens" recited claim 1 does not define a distance to show exactly how the eyepiece shutter is near the relay lens comparing with other reference position. Therefore, the language in claims 1 and 3 are written broadly enough to allow the examiner to interpret as the Saito's lenses 6a, 6b and the first optical element of lenses 6C are considered as the "relay lens"; the second optical element of lenses 6C is considered as the "eyepiece lens"; and the "relay lens" provided between the beam splitter (2) and the eyepiece lens; and a shutter (eye piece shutter 11) provided in a vicinity of the relay lens (or between the

plurality of lenses of the relay lens) and configured to cut a reverse-incident light from the eyepiece lens as shown in Figure 1 (See Saito's Abstract section). In Saito's Figure 1, it clearly shows the eyepiece shutter is nearer the relay lens than other photographic lenses group (1).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al.

J.P. Patent Publication 03184028 A (The full copy of English translation is attached with this Office Action).

Referring to claim 1, the Saito reference discloses in Figure 1, a camera comprising: a beam splitter (2) configured to divide an incident light from a subject through a photographing lens; an eyepiece lens (e.g. the last optical element of lenses 6C which provided in a vicinity of the user's eye) configured to observe the incident light divided by the beam splitter with a viewfinder (6); a relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C are considered as a relay lens), provided between the beam splitter (2) and the eyepiece lens; and a shutter (eye piece

shutter 11) provided in a vicinity of the relay lens and configured to cut a reverse-incident light from the eyepiece lens (See Abstract section).

Referring to claim 2, the Saito reference discloses wherein the relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C are considered as a relay lens) and the shutter (eye piece shutter 11) are arranged adjacent to and along a direction of an optical axis of the incident light as shown in Figure 1.

Referring to claim 3, the Saito reference discloses in Figure 1, a camera comprising: a beam splitter (2) configured to divide an incident light from a subject through a photographing lens; an eyepiece lens (e.g. the last optical element of lenses 6C which provided in a vicinity of the user's eye) configured to observe the incident light divided by the beam splitter with a viewfinder (6); a relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C are considered as a relay lens) provided between the beam splitter and the eyepiece lens and having a plurality of lenses; and a shutter (eye piece shutter 11) provided between the plurality of lenses of the relay lens (e.g., the lenses 6a, 6b and the first optical element of lenses 6C of the relay lens) and configured to cut a reverse-incident light from the eyepiece lens (See Abstract section).

Referring to claim 4, the Saito reference discloses wherein the relay lens and the shutter are configured integrally (e.g., in Figure 1, the shutter 11 provided between the plurality of lenses of the relay lens, and all those elements are inside of the viewfinder 6, therefore, the relay lens and the shutter are configured integrally in the viewfinder 6).

Referring to claim 5, the Saito reference discloses wherein at least one or more image formation surfaces are formed between the beam splitter and the eyepiece lens as shown in Figure 1.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Primary Examiner
Art Unit 2622

May 10, 2006